

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
ATOMIC SAFETY AND LICENSING BOARD

Before Administrative Judges:

Paul S. Ryerson, Chairman
Dr. Paul B. Abramson
Dr. Gary S. Arnold

In the Matter of
TENNESSEE VALLEY AUTHORITY
(Watts Bar Unit 2)

Docket No. 50-391-OL

ASLBP No. 09-893-01-OL-BD01

September 9, 2014

MEMORANDUM AND ORDER

(Denying Motion to File New Contention and Terminating Proceeding)

The background of this proceeding is set forth in earlier orders of the Board.¹ On July 9, 2012, Southern Alliance for Clean Energy (SACE) moved for leave to file a new contention concerning temporary storage and ultimate disposal of nuclear waste.² In accordance with the Commission's direction in CLI-12-16,³ on August 9, 2012 the Board ordered the motion held in abeyance.⁴

¹ See LBP-09-26, 70 NRC 939, 945-46 (2009); Licensing Board Order (Granting TVA's Unopposed Motion to Dismiss SACE Contention 1) at 1 (June 2, 2010) (unpublished).

² Southern Alliance for Clean Energy's Motion for Leave to File a New Contention Concerning Temporary Storage and Ultimate Disposal of Spent Reactor Fuel at Watts Bar Unit 2 (July 9, 2012).

³ CLI-12-16, 76 NRC 63, 68-69 (2012).

⁴ See Licensing Board Order (Holding Waste Confidence Contention in Abeyance) (Aug. 9, 2012) (unpublished).

On August 26, 2014, in view of its adoption of a revised rule codifying the NRC's generic determinations regarding the pertinent environmental impacts associated with continued storage of spent nuclear fuel, the Commission issued a memorandum and order (CLI-14-08) directing this Board (among others) to reject pending contentions on this issue.⁵ Accordingly, SACE's motion for leave to file a new contention is denied.

The Board previously granted SACE's unopposed motion to withdraw the only then-remaining admitted contention.⁶ Therefore, the adjudicatory proceeding before this Board concerning TVA's application for an operating license for a second nuclear reactor at the Watts Bar Nuclear Plant is terminated. In accordance with 10 C.F.R. § 2.341(b), any petition for review of this Memorandum and Order must be filed within twenty-five (25) days after it is served.

It is so ORDERED.

THE ATOMIC SAFETY
AND LICENSING BOARD

/RA/

Paul S. Ryerson, Chairman
ADMINISTRATIVE JUDGE

/RA/

Dr. Paul B. Abramson
ADMINISTRATIVE JUDGE

/RA/

Dr. Gary S. Arnold
ADMINISTRATIVE JUDGE

Rockville, Maryland
September 9, 2014

⁵ CLI-14-08, 80 NRC __, __, (slip op. at 10) (Aug. 26, 2014).

⁶ See Licensing Board Order (Granting Motion to Withdraw Contention 7) (July 17, 2013).

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **MEMORANDUM AND ORDER LBP-14-13 (Denying Motion to File New Contention and Terminating Proceeding)** have been served upon the following persons by the Electronic Information Exchange and by e-mail where indicated with an asterisk (*).

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[Original signed by Brian Newell]
Office of the Secretary of the Commission

Dated at Rockville, Maryland
this 9th day of September 2014